a reasonably safe machine, that neither the place nor the machine shall be dangerous by their negligent use or operation, is the duty of the servant to whom the operation is intrusted not that of the master. *American Bridge Co. v. Leeds,* 144 Fed. 605; *Eichele v. St. Paul Furniture Co.,* 40 Minn. 263.

MASTER AND SERVANT—INJURY TO SERVANT—"FELLOW SERVANT."—LATSHA V. SHAMOKIN & E. ELECTRIC RY. CO., 70 ATL. 1002 (PA.).—*Held,* that the superintendent of an electric railway company taking out a car to test it, acting as a motorman, is not a fellow servant of a motorman injured by the negligence of the superintendent while so operating the car.

It is the duty of a master to exercise such care in the conduct of his business as will render it reasonably safe to his servants. *Baltimore, etc., Ry. Co. v. Henthorne,* 73 Fed. 634. It is well settled that the master may delegate the performance of this duty to a vice-principal, and when this is shown, the master will be bound by the acts of the vice-principal the same as though he had undertaken the performance of the duty in person. *Tyson v. South, etc., Alabama Ry. Co.,* 61 Ala. 554. But the same person may under different circumstances be a fellow-servant; the test is not one of grade but whether the employee was engaged in the performance of the duty imposed by law upon the master, when the injury complained of occurred. *Conley v. City of Portland,* 78 Me., 217; *Stockmeyer v. Reed,* 55 Fed. 259.

MASTER AND SERVANT—INJURIES TO SERVANT—FELLOW SERVANTS.—GEORGIA COAL & IRON CO. V. BRADFORD, 62 S. E. 193 (GA.).—A teamster employed by a coal and iron company, to assist in hauling a boiler from the furnace plant of the company to its coal mines, was struck by a locomotive operated in connection with the plant. *Held,* that he was a fellow servant with the engineer and fireman of the locomotive, all being employes of a common master, engaged in labor for the furtherance of the general purpose of the business.

The principal case applies the strict rule to be found in the Massachusetts decisions, that the relation of fellow servant is not confined to two servants working in company and having the opportunity to control and influence the conduct of each other, but extends to every case in which, deriving their authority and compensation from the same source, they are engaged in the same business, though in different departments. *Holden v. Fitchburg R. Co.,* 129 Mass. 268. Some courts, however, give a more liberal construction to this doctrine, holding that if the departments of the two servants are so far separated that the possibility of the two servants coming in contact, while performing their usual duties, could not be said to be within the contemplation of the person injured, the master will not be exempt from liability. *N. Pac. R. Co. v. Hambly,* 154 U. S. 349; *Chicago & N. W. R. Co. v. Morando,* 93 Ill. 302. In many states what is qnown as the "department" rule prevails, and servants engaged in different departments of the same business are not regarded as fellow servants. *Sullivan v. Mo. Pac. R. Co.* 97 Mo. 103; *Kielley v. Belcher S. M. Co.,* 3 Sawyer 437.